



City of Seattle

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3012057

Applicant Name: Lionel Klikoff for the Washington State Department of Natural Resources

Address of Proposal: 1100 Olive Way (site is located in Elliott Bay)

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development Permit to continue use of an offshore dredge material disposal site located approximately one mile north of Harbor Island. Original Environmental Impact Statement prepared by Department of Natural Resources, Department of Ecology, the Army Corps of Engineers and the Environmental Protection Agency. (DCLU project 8702092, Permit 642691)

The following approvals are required:

Shoreline Substantial Development Permit -To re-establish use of an offshore dredge disposal site. - Chapter 23.60.020 Seattle Municipal Code.

Shoreline Special Use - To allow offshore disposal of dredged material at authorized dredge disposal sites established as a conditional use. – Chapter 23.60.242 Seattle Municipal Code

SEPA – Conditioning Only - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: [☐] Exempt [X] DNS* [☐] MDNS [☐] EIS
[☐] DNS with conditions
[☐] DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

*Issued by the Washington Department of Natural Resources.

BACKGROUND DATA

Site

The tear shaped 6,200 feet by 4,000 feet site (approximately 415 acres) is located approximately one mile from Terminal 48 to the east and one mile from Harbor Island to the south, in Elliott Bay. The site is a Conservancy Navigation Shoreline Environment (CN), and the water is approximately 260 feet in depth. Elliott Bay is used for shipping, transit, commercial, tribal fishing and recreational uses. The site was approved for the disposal of dredged material through a determination made jointly by the US Army Corps of Engineers, the US Environmental Protection Agency, the Washington State Department of Ecology and the Washington State Department of Natural Resources.

Vicinity

The site is surrounded by open water. Industrial shipping firms occupy much of the land on the south shores of Elliott Bay and Harbor Island. The west shore is comprised of a public park, residential and retail uses towards the head of the Duwamish. The west shore is the downtown Seattle waterfront, with a mixture of water-related and non-water related commercial uses. The shores of the north end of the Bay are used for shipping, recreation and residential purposes.

Dredging Practices

Dredging and disposal of dredged material is a common and longstanding practice in rivers and bays of the Puget Sound. Dredging is necessary to maintain the waterways, harbors and ports by creating sufficient depths for marine cargo, shipping and recreational vessel use of the public waterways.

In response to impacts associated with unconfined disposal of dredged material in the waters of Puget Sound, a consortium of agencies with jurisdiction over dredging activities was formed to plan, coordinate and regulate the disposal of dredged materials in a manner that would minimize potential harm to the aquatic environment and to the users of the Puget Sound. The Puget Sound Dredge Disposal Analysis Program (PSDDA) has operated at the subject site since 1989, and has conducted regular screening and testing of all dredged material disposed there.

Proposed Action

The proposal is to continue operating the dredge disposal site as it has been operating for the past twenty two years, since 1989. The program includes pre-disposal testing of dredged material, and only material meeting PSDDA criteria for open-water disposal may be permitted for deposit. The disposal zone is a 1,800-foot diameter circle around a central point, within which the dredged materials will be disposed. In evaluating the continued use of the site, the environmental documents indicate that over a ten-year period, the dredged material that would be deposited on the site would reach a depth between seven and 27 feet. The disposal of the dredge materials will be transported from a bottom-dump barge to the site.

An estimated 2,720,743 cubic yards (an average of 129,559 cubic yards per annum) of material would be deposited at the site over the next ten years. The site capacity is thought to be 9,000,000 cubic yards of disposed dredged material.

Original Site Capacity (1988)	Deposited Materials (1989-2000)	Site Capacity Remaining As Of 2000	Projected Fill By 2021	Total Anticipated Fill By 2021
	400,000 cu. yd. (1989-1993) 865,725 cu. yd. (1994-1999) TOTAL: 1,265,725 cu. yd.	9,000,000 cu. yd.	1,295,590 cu. yd.	4,016,333 cu. yd.

The total anticipated deposit of dredged material by the year 2021 is 4,016,333 cubic yards. This amount would reach approximately 45% of the maximum capacity of the site.

The dredge disposal program requires a Shoreline Permit from the City of Seattle and has operated under the conditions of such a permit for the past ten years. Shoreline Permits are limited by state law to a ten-year life span, with extensions of up to one year under specific circumstances explained in Section 23.60.074. The subject site has been operating under a permit initially submitted in 1989 and was renewed in 1993 and 2001. Pursuant to WAC 173-27-090 and SMC 23.60.074, the Director may adopt different time limits for a permit as part of a shoreline substantial development permit decision. A decision to extend a permit shall be based on consideration of a reasonable time period necessary to actually perform the proposed action. Typically, the lifetime of a permit is five years, but given the level of activity and purpose of this site, applying every five years to renew a permit is unnecessary. Furthermore, the significant levels of monitoring-related conditions required by the various agencies with jurisdiction over the site will identify potential concerns. A condition has been included in this decision which states that the permit's lifetime shall be extended to ten years, provided that the extensive monitoring efforts which occur after every 300,000 cubic yards of accumulative deposits are disposed, continue to be conducted and have the results be distributed to the four agencies listed in Section 9.2 of the 1998 PSSDA Dredged Disposal Analysis Management Plan.

Public Comment

No public comments were received during the comment period, which ended on April 15, 2011.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The proposal is located within a Conservancy Navigation Shoreline Environment as designated by the Seattle Shoreline Master Program (SSMP). This program, Section 23.60.020 of the Seattle Municipal Code, regulates use and development in the City's shoreline districts, to implement the policy and provisions of the Shoreline Management Act of 1971, and the Shoreline Goals and Policies.

The SSMP requires that a shoreline permit be obtained prior to the undertaking of any substantial development within a shoreline environment. SMC Section 23.60.030 includes criteria for evaluating a shoreline permit. A substantial development permit shall be issued only when the development proposed is consistent with:

- A. The policies and procedures of Chapter 90.58 RCW;
- B. The regulations of this Chapter; and
- C. The provisions of Chapter 173-27 WAC.

Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.

A. THE POLICIES AND PROCEDURES OF CHAPTER 90.58.RCW

The State of Washington Shoreline policies (RCW Chapter 90.58) provide for the control of pollution and prevention of damage to the natural environment, and to protect the resources and ecology of the shoreline over the long term. It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. The Shoreline Management Act of 1971 provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to primarily act in a supportive and review capacity, with primary emphasis on insuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle and other jurisdictions with shorelines, adopted a local shoreline master program, codified in the Seattle Municipal Code at Chapter 23.60, that also incorporates the provisions of Chapter 173.27 WAC. Development on the shorelines of the State is not to be undertaken unless it is consistent with the policies and provisions of the Act, and with the local master program. The Act sets out procedures, such as public notice and appeal requirements, and penalties for violating its provisions.

The City of Seattle Shoreline policies incorporate these goals by reference and include area objectives pursuant to these goals. These policies contemplate protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting public rights of navigation and corollary incidental rights. Permitted uses in the shorelines shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

The proposal to continue use of the site for dredge disposal necessary to support ongoing use of the waterways, harbors, and shorelines, is consistent with the objectives for Elliott Bay. This, this proposal is consistent with the policies and procedures of the RCW Chapter 90.58.

B. THE REGULATIONS OF CHAPTER 23.60

The regulations of Section 23.60.064 SSMP require that the proposed use(s): 1) conform to all applicable development standards of both the shoreline environment and underlying zoning; 2) be permitted in the shoreline environment and the underlying zoning district and 3) satisfy the criteria of shoreline variance, conditional use, and/or special use permits as may be required.

The proposed use is an authorized dredge disposal site, which was permitted as a conditional use pursuant to SMC 23.60.244. Actual disposal at the site must comply with the standards for special uses pursuant to SMC 23.60.032. As such, the criteria for special use approval will be analyzed below under the Special Use Analysis section of this report.

SSMP 23.60.004 - Shoreline Policies

The Shoreline Goals and Policies which are part of the Seattle Comprehensive Plan's Land Use Element and the purpose and locational criteria for each shoreline environment designation contained in SMC 23.60.220 must be considered in making all discretionary decisions in the shoreline district. While no change in location or use is proposed, some provisions of the Shoreline Goals and Policies are applicable. Specifically, the proposal to re-establish use as a dredge disposal site would be consistent with Shoreline Goals and Policies set forth in the Conservancy Navigation Shoreline Environment in terms of preserving open water for the purpose of navigation. The proposal would also meet the first priority of Land Use Policy 163 of the Seattle Comprehensive Plan, in terms of protecting the natural area of Elliott Bay from further harm or loss of water quality.

Development Standards

The proposal would constitute landfill as defined in SMC 23.60.924. The disposal of dredge material or landfill is a permitted special use in the CN environment. Pursuant to the Seattle Shoreline Master Plan, the proposed action is therefore subject to:

1. *the general development standards (SSMP 23.60.152);*
2. *the development standards for landfill uses (SSMC 23.60.184); as well as,*
3. *the development standards for uses in the CN environment (SSMP 23.60.270).*

1. SSMP 23.60.152 - General Development Standards for all Shoreline Environments

All uses and developments shall be subject to the following general development standards relevant to the proposed project:

- A. *The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and regulatory agencies. Best management practices such as paving and berming of drum storage areas, fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.*
- B. *Solid and liquid wastes and untreated effluents shall not enter any bodies of water or be discharged onto the land.*

The Federal Clean Water Act requires that measures be taken to ascertain the composition of material prior to being dredged in order to determine whether the material should be disturbed, as well as identify proper means of disposal. In order to avoid water quality impacts, the PSDDA program further requires that specific chemical analyses be accomplished prior to disposal and only material meeting PSDDA criteria is permitted to be deposited at the site.

- H. All shoreline developments and uses shall be located, designed, constructed and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas including, but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass beds, and migratory routes. Where avoidance of adverse impacts is not practicable, project mitigation measures relating the type, quantity and extent of mitigation to the protection of species and habitat functions may be approved by the Director in consultation with state resource management agencies and federally recognized tribes.*
- I. All shoreline developments and uses shall be located, designed, constructed and managed to minimize interference with or adverse impacts to beneficial natural shoreline processes such as water circulation, littoral drift, sand movement, erosion and accretion.*

The proposed action may have potential biological impacts to a wide variety of fish and shellfish, several marine mammals and waterfowl which feed in the area, as well as to benthic organisms which live on the floor of the Sound. Monitoring studies indicate that the biological resources at and adjacent to the site have not been damaged by the disposal activity to date and that the sediment quality appears to have improved over the conditions which existed prior to initiation of the program. Regarding monitoring of the Elliott Bay site, the Biological Evaluation (2010) by the Army Corps of Engineers for continued use of the PSDDA sites, including the Elliott Bay site, reported that:

“Post-disposal evaluation of this site in 1992, 2000, and 2002 indicated that dredged materials remained onsite, and that the thickest layers were in the center of the target zone. Sediment testing at the site indicated that the concentration of chemicals of concern is well below the allowable “minor adverse effects” level and predominantly below screening levels. Comparative pre-disposal and post-disposal onsite sediment quality monitoring has shown that metals and PAH concentrations have dropped significantly due to dredged material disposal. The DMMP agencies conducted a special monitoring survey in 2005 at onsite stations to evaluate only sediment chemistry following disposal of material determined to be suitable for open-water disposal from the CERCLA early action cleanup in East Waterway. The results of this monitoring noted slightly elevated PCB concentrations at one onsite station, but all chemicals were in compliance with the site management objectives. Overall, monitoring has confirmed that there are no indications of adverse environmental effects beyond the boundary of the disposal site (SAIC, 1992, 2000, 2002).”

The site was chosen from among alternatives as having little negative impact on wildlife. The site was found to be one with relatively insignificant biological resources as compared to other sites. The site is used intermittently and for short duration. Disposal is not permitted between April 1 and June 15 to protect juvenile salmon and steelhead during outmigration. Continued monitoring will help ensure that cumulative effects of dredge disposal activities would not become adverse in the future. The aforementioned conditions and reviews from outside agencies should be sufficient to mitigate any adverse impacts to the fish and wildlife resources and would ensure that the project conforms to the goals and regulations of the Seattle Shoreline Master Program. The public interest suffers no substantial detrimental effect from the proposal. The long-term environmental effect of the project is expected to be beneficial since further degradation will be prevented. With these measures and the Conservation Measures for this project detailed in the recent Biological Evaluation (2010), continued use of the site would not adversely affect biological resources.

2. SSMP 23.60.184 - Development Standards for Landfill

Applicable development standards for landfill consist of the following applicable criteria:

B. Shoreline fills or cuts shall be designed and located so that:

- 1. No significant damage to ecological values or natural resources shall occur; and*
- 2. No alteration of local currents or littoral drift creating a hazard to adjacent life, property or natural resources systems shall occur.*

The proposal is consistent with these standards in that it is located to avoid significant impacts to ecological values and natural resources and would not alter currents or littoral drift

D. Fill materials shall be of a quality that will not cause problems of water quality.

The proposal is consistent with this standard in that it would not cause problems with water quality.

F. In evaluating fill projects and in designating areas appropriate for fill, such factors as total water surface reduction, navigation restriction, impediment to water flow and circulation, reduction of water quality and destruction of habitat shall be considered.

The proposal is consistent with this standard in that no surface water reduction shall occur in conjunction with the proposed action, nor would the proposed action restrict navigation, impede water flow and circulation, reduce water quality or destroy habitat.

G. Deposit of fill material including dredged material shall not be permitted on land which contains unique, fragile or ecologically valuable resources.

The proposal is consistent with this standard in that it would not be located on lands that contain unique, fragile or ecologically valuable resources.

H. The final location and slope of fill material on submerged lands shall meet the criteria of the State Fisheries and Game Hydraulic Code.

Each disposal operation at the site requires a Hydraulics Project Approval from the Washington Department of Fisheries, which is charged with protecting fish life and habitat.

The PSDDA program, as it has operated for the past twenty two years has complied with the development standards for all shoreline development sets forth in SMC 23.60.152. The proposal is to continue the program for an additional ten years with the same standards and monitoring.

3. SSMP 23.60.270 - Development Standards for CN Shoreline Environments

The development standards set forth in the Conservancy Navigation Shoreline Environment relate to avoiding interference with navigation. The average depth of the proposed over-water action will not interfere with navigation activities. Therefore, this project is consistent with the development standards of the CN shoreline environment.

THE PROVISIONS OF CHAPTER 173-27 WAC

Chapter 173-27 WAC sets forth permit requirements for development in shoreline environments and gives the authority for administering the permit system to local governments. The State acts in a review capacity. The Seattle Municipal Code Section 23.60 (Shoreline Development) and the RCW 90.58 incorporates the policies of the WAC by reference. These policies have been addressed in the foregoing analysis and have fulfilled the intent of WAC 173-27.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The proposed shoreline substantial development permit for this dredge disposal site is CONDITIONALLY GRANTED.

ANALYSIS – SHORELINE SPECIAL USE

The deposition of dredged material at an authorized open-water disposal site is permitted as a Special Use in the CN environment. SSMC 23.60.032 sets forth the analysis necessary to receive a special use approval in a particular environment according to the following criteria:

A. That the proposed use will be consistent with the policies of RCW 90.58.020 and the Shoreline Policies;

The policies of the RCW 90.58.020 provide for management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses, while allowing development in a manner which will promote the public interest. It states, in part: permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize , insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

The proposal is a use which is important to the continued use of harbors and waterways for commerce, and has been conducted in a manner to protect the ecology and the public's right to the use and enjoyment of Elliott Bay.

The purpose of the Conservancy Navigation environment is to preserve open water for navigation. The dredge disposal site consists of a submerged trough approximately 260 feet in depth. In evaluating the continued use of the site, the environmental documents indicate that over a ten-year period, the dredged material that would be deposited on the site would reach a depth between seven and 27 feet. Thus, the open water would be preserved, and the proposal would be consistent with the policies of RCW 90.58.020, and the Seattle Shoreline Master Program.

B. That the proposed use will not interfere with the normal public use of public shorelines;

The proposed use is located offshore in Elliott Bay and will not impair physical access to the shoreline or use of the water. No more than three disposal events would occur in any given day, during those months when disposal is permitted. Each of these visits would last approximately five to ten minutes.

C. That the proposed use of the site and design of the project will be compatible with other permitted uses within the area;

The PSDAA program has been conducted for the past 22 years without complaint to DPD. Continues use is expected to remain compatible with other permitted uses in the area.

D. That the proposed use will cause no unreasonably adverse effects to the shoreline environment in which it is to be located; and

As noted above, the shoreline environment would not suffer unreasonable adverse effects.

E. That the public interest suffers no substantial detrimental effect.

The continued use of the site for dredges material disposal would not cause detrimental effects on the public interest.

Therefore, the proposal meets the criteria for Special Use approval.

DECISION - SHORELINE SPECIAL USE

The proposed shoreline special use permit for the dredge disposal is **GRANTED**.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental documents prepared for the Puget Sound Dredged Disposal Analysis: Management Plan Report (June 1998). The Department of Natural Resources (DNR), which is the lead agency for implementation of the PSDDA program, issued a Determination of Non-Significance on March 16, 2011. The information in the environmental checklist, (as updated on February 28, 2011) and supplementary information regarding development standards provided by the proponent in response to telephone queries, and the experience of DPD with review of other projects form the basis for the following analysis. The Seattle Municipal Code provides that a project may be conditioned or denied in order to mitigate environmental impacts (SMC 25.05.660). All conditions must be related to impacts identified in the environmental documents and based on adopted policies. This proposal is reviewed under that substantive SEPA authority.

The SEPA overview policies (SMC Section 25.05.665) clarify relationships between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority -- except when other applicable federal, state and local regulations must be presumed to provide adequate mitigation. The overview policies state, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation," subject to some limitations. The following analysis is consistent with the overview policies.

Potential impacts from the proposal include water quality impacts and biological impacts including potential conflicts with fishing activity, new air emissions from vessels disposing of dredge material and marine sediment.

General development standards (SSMP 23.60.152) state that Best Management Practices shall be followed for any development in the shoreline environment. These measures are required to prevent contamination of land or water.

Potential impacts from the proposal include water quality impacts, biological impacts, shoreline use impacts and potential impacts to archaeological resources.

Water Quality Impacts

Open water disposal of dredged material results in a plume of relatively fine soil particulates being released in the water and allowed to drift to the bottom of the Sound. Dredged material can potentially originate from areas which have a history of industrial use or other sources of contamination. While most potential pollutants are bound to soil particles and would drift to the bottom with those sediments, some pollutants could be released into the water.

The Federal Clean Air Act requires that measures be taken to ascertain the composition of material before it is dredged to determine whether the material should be disturbed, and identify proper means of disposal. In order to avoid water quality impacts, the PSDDA program further requires that specific chemical analyses be completed prior to disposal, and only material satisfying PSDDA criteria is permitted to be deposited at the site.

Monitoring results since 1990 have shown that the program is effective at restricting water quality impacts. All materials deposited at the site must meet or exceed rigorous testing and suitability requirements prior to obtaining approval for the disposal. Additionally, the site receives periodic assessment to ensure that site environmental conditions are not violated. These assessments have demonstrated that the disposal sites have lower levels of contaminants than in the surrounding environment. As such, no further mitigation is warranted.

Biological Impacts

Potential biological impacts from the proposal impacts a wide variety of fish and shellfish, several marine mammals and waterfowl which feed in the area, as well as to benthic organisms which live on the floor of the Sound. Monitoring studies indicate that the biological resources at and adjacent to the site have not been damaged by the disposal activity to date, and that sediment quality appears to have improved over the conditions which existed prior to the initiation of the program.

The site was selected from among alternatives as having little negative impact on wildlife. The site was found to be one with relatively insignificant biological resources as compared to other sites. Disposal activity at the site occurs intermittently and for short duration. Disposal is not permitted between March 15 and June 15 to protect juvenile salmon and steelhead during outmigration. In addition, each disposal operation at the site requires a Hydraulics Project Approval from the Washington Department of Fisheries, which is charged with protecting fish life and habitat. Continued monitoring will help ensure that cumulative effects of dredge disposal activities would not become adverse in the future. With these measures, including the Conservation Measures for this project detailed in the recent Biological Evaluation (2010), continued use of the site would not adversely affect biological resources, and no further mitigation pursuant to SEPA is required.

Shoreline Use Impacts

The dredge disposal program could have adverse impacts on recreational boaters and commercial and tribal fishing areas. Peak activity at the site would involve up to three discharges of material per day, with each discharge potentially displacing other users for five to ten minutes. Likely short-term impacts associated with disposal include consumption of renewable and non-renewable resources, decreased air and water quality due to disturbance of sediments, and increased noise from barge unloading. Due to the temporary nature and limited scope of these impacts, they are not considered significant. Most would be adequately mitigated by compliance with applicable federal, state, and local codes and ordinances. In addition, dredged material could potentially foul fishing gear.

The site was chosen to avoid areas of high intensity fishing and to avoid impacts on biological resources, which could indirectly affect these users. In addition, PSDDA management conditions preclude discharging material which could foul fishing gear. As noted above, impacts to biological resources have been minimized, thus little or no adverse impacts to people dependent on those resources are likely to occur. Therefore, no further mitigation is required pursuant to SEPA.

Potential Archaeological Resources

The shorelines of the State are areas where many archaeological resources have been discovered and unknown resources may be located. The City's Shoreline Master Program does not specifically address potential archaeological resources. However, when potential archeological resources are inadvertently discovered during excavation and construction, applicants and property owners are subject to Washington State laws and regulations governing Indian Graves and Records (RCW 27.44), Archeological Sites and Records (RCW 27.53), and WAC 25.48 concerning archeological resources. If any potential archaeological resources are uncovered, the State laws will be in effect so that no conditions pursuant to SSMP are warranted.

Summary

In conclusion, while there are several potential effects on the environment resulting from the proposed dredge material disposal, the PSDDA program includes specific measures which have been found to mitigate specific impacts identified in the EIS. Since the operation of this program, DPD has not received any complaint or had cause for concern about the dredge disposal program. As discussed above and in the submitted environmental documents, monitoring results from the site indicate that conservation measures employed by the project have been effective in protecting water and sediment quality at the site. The proposal is consistent with SSMP 23.60 and conforms to the specific standards for landfills in the CN shoreline environment. Because it has been established that the proposed use and development conforms with the policies and procedures of the WAC and RCW and with the regulations of Chapter 23.60 of the Seattle Municipal Code, the permit should be approved. Therefore, other than to require that the specific features which have been in place be maintained as part of the program, no further mitigation is required pursuant to SEPA.

CONDITIONS - SEPA

None Required.

CONDITIONS - SHORELINE SUBSTANTIAL PERMITS

Permanent for the Life of the Permit

1. Use of the site must at all times meet the PSDDA management plan requirements and standards effective, except as modified by conditions required by the City in this and any subsequent permit actions for the site. Significant irregularities in site use or unanticipated effects would be adequate grounds to require suspension of operation of the site until the Director determines whether the permit should be revoked.
2. The provisions adopted by the PSDDA agencies to avoid navigational conflicts (prohibition on nighttime disposal during season(s) of tribal fishing, etc.) are considered part of this proposal and must be enforced.
3. In order that the City have on-going information about the use of the site, the operator of the site (i.e., the Department of Natural Resources or its successor agency) shall provide an annual report to DPD regarding use of the disposal site, which includes information summarizing each disposal during the previous year with amount of material, date of disposal, name of e(s) to be used.
4. Dredged materials containing concentrations of chemicals exceeding the "maximum level" except as prescribed by the PSDDA evaluation procedure shall not be allowed to be deposited at the site. Specifically, this condition is intended to disallow the proposed "dredger's option."
5. No material from designated Superfund action sites will be allowed to be deposited at the site except those materials that are found acceptable according to the prescribed PSDDA evaluation procedures.

Signature: (signature on file)
Ben Perkowski, Land Use Planner
Department of Planning and Development

Date: May 2, 2011